

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, March 8, 2011

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Thomas Kemp, Kerry Kincaid, Mark Olson, Jackie Pavelski, Bob Von Haden, Dana Wachs and Andrew Werthmann. Absent: Council Members David Klinkhammer and Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 8, 2011. Council President Kincaid requested that Item No. 8, Resolution authorizing the City Clerk to publish a notice of public hearing regarding the vacation of London Road, from Cross Street south to the cul-de-sac, a distance of approximately 660 feet, be removed from the Consent Agenda and considered later in the meeting. Said request was approved by unanimous consent. Council Member Wachs noted an error in the minutes of the February 22, 2011 Council meeting, Item No. 3 on the Consent Agenda. Council Member Olson's name was listed twice on the vote for the Voter – Photo Id Legislation. Said correction will be made to the minutes. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt the consent resolution, with corrected February 22 Minutes and without Item No. 8”. Said motion passed by unanimous vote.

COMMENDATIONS AND PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, proclaimed April 4 – 10, 2011 as National Public Health Week in the City of Eau Claire.

Council President Kincaid, on behalf of the City Council, proclaimed April as “Parents Who Host Lose the Most: Don’t be a party to teenage drinking” Month in the City of Eau Claire.

USE OF CITY FACILITIES

The City Council considered a resolution authorizing First Lutheran Church to conduct the First Lutheran Fun Walk/Run at Phoenix Park on April 2, 2011. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing Circus America, Inc to conduct the Piccadilly Circus at the Hobbs Municipal Ice Center on May 11-12, 2011. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

LEASE AGREEMENTS

The City Council considered a resolution authorizing the renewal of a lease agreement with 4324 Fairfax Park Drive, LLC (Pine Meadows Golf Course / Mark Held) for the Fairfax Park Parking Area. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving a lease agreement with the Flying Eagles Ski Club for the Mt. Washington Ski Jump property. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Kemp, Kincaid, Pavelski, Von Haden, Wachs and Werthmann. Nay: Council Members Balow, Duax and Olson.

EXCESS LAND

The City Council considered a resolution declaring former railroad right-of-way near Galloway Street to be excess land and authorizing the sale of said land to the abutting property owner. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

TAX EXEMPT PROPERTIES

The Council considered a resolution directing staff to forward to state legislators the City’s “Report on Tax-Exempt Properties” (September 2010) and the Institute for Wisconsin’s Future report “Too Many Loopholes” (January 2011) and to request that the legislature direct the Legislative Council to study the fiscal impact of the reports. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax “to amend said resolution by adding the phrase ‘and recommend appropriate legislation to remedy the concerns addressed’ at the end of the Now, Therefore, Be It Resolved paragraph”. Said motion was accepted as a friendly amendment. The Council voted on the resolution as amended. Said motion passed by unanimous vote.

STREET, UTILITY & SIDEWALK IMPROVEMENTS

The City Council considered a Final Resolution approving the project and levying special assessments for street improvements on the following streets:

- Cameron Street, Eleventh Street to Nicholas Drive (11-403)
- Gateway Drive, Prill Road to S. Hastings Way E. Frontage Road (11-404).

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Pavelski “to adopt said resolution”. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Werthmann “to amend said resolution “to indicate that Cameron Street should be reconstructed per Alternative ‘A’ (3-Lane with two-way left-turn lane / median, bike lane and parking)”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend said motion by substituting Alternate ‘B’ (2-Lane, combined Bike / Parking Lane) for Alternate ‘A’.” Said

motion to substitute passed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, and Von Haden. Nay: Council Members Kemp, Kincaid, Wachs and Werthmann. The Council then voted on the motion to amend the resolution by inserting Alternate 'B'. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Olson, Pavelski, Von Haden, Wachs and Werthmann. Nay: Council Members Kemp and Kincaid. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Balow, Duax, Kincaid, Olson, Pavelski, Von Haden, Wachs and Werthmann. Nay: Council Member Kemp.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Cameron Street, Eleventh Street to Nicholas Drive (11-403)
- Gateway Drive, Prill Road to S. Hastings Way E. Frontage Road (11-404).

Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- London Road, Cross Street to 547 feet south of Cross Street (11-214)
- Folsom Street, Thirty-third Street to Driftwood Lane (11-301).

By unanimous consent, the Council agreed "to split the question and take a separate vote on each project". Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann "to postpone consideration of the London Road project until such time as staff has been able to meet with the adjacent property owner to consider a different alignment of the roadway." Said motion to postpone passed by unanimous vote. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to approve the project and levy special assessments for street and utility improvements on Folsom Street, Thirty-third Street to Driftwood Lane (11-301)". Said motion passed by unanimous vote.

The Council took up Item No. 8 which earlier in the meeting had been removed from the Consent Agenda. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kemp "to postpone consideration of the resolution authorizing the City Clerk to publish a notice of public hearing regarding the vacation of London Road, from Cross Street south to the cul-de-sac, a distance of approximately 660 feet". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kemp "to withdraw the resolution from the agenda". Said motion to withdraw was approved by unanimous vote. Council Members Von Haden and Kemp withdrew their motion to postpone.

The Council considered a Final Resolution approving the project and levying special assessments for sidewalk and boulevard enhancements on the following streets:

- Park Avenue, Garfield Avenue to 230 feet north of Garfield Avenue (11-302)
- Garfield Avenue, Park Avenue to 279 feet west of Park Avenue (11-303)
- Oak Knoll Drive, Forest Heights Drive W. to Oakwood Hills Parkway S. (11-305).

By unanimous consent, the Council agreed "to split the question and take a separate vote on the Oak Knoll Drive project". Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp "to approve the sidewalk and boulevard enhancements on Park Avenue, Garfield Avenue to 230 feet north of Garfield Avenue (11-302) and on Garfield Avenue, Park Avenue to 279 feet west of Park Avenue (11-303)". Said motion passed by unanimous vote. The Council then considered the sidewalk project on Oak Knoll Drive, Forest Heights Drive W. to Oakwood Hills Parkway S. (11-305). Thereupon a motion was offered by Council Member Olson and seconded by Council Member Balow "to indefinitely postpone consideration of said project". Said motion to indefinitely postpone failed by the following vote: Aye: Council Members Balow, Olson, Von Haden and Wachs. Nay: Council Members Duax, Kemp, Kincaid, Pavelski and Werthmann. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski "to approve the sidewalk project on Oak Knoll Drive". Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Balow "to defer sidewalk construction along the north side of Parcel No. 15-3997, 3709 Oak Knoll Drive, due to topographical reasons and that construction of said sidewalk is not in the public interest, safety or convenience". Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski "to postpone consideration of said project for two weeks". Said motion to postpone failed by the following vote: Aye: Council Members Duax, Olson, Pavelski and Wachs. Nay: Council Members Balow, Kemp, Kincaid, Von Haden and Werthmann. The Council then voted on the motion to defer sidewalk construction at 3709 Oak Knoll Drive. Said deferral was approved by the following vote: Aye: Council Members Balow, Kemp, Olson, Pavelski, Von Haden, and Werthmann. Nay: Council Members Duax, Kincaid and Wachs. The Council then voted on the project as amended. Said project was approved by unanimous vote.

CODE AMENDMENT - DOGS

The City Council considered an ordinance amending Chapter 6.08 of the City Code of Ordinances entitled "Animal Control", specifically repealing and recreating Section 6.08.020, entitled "Number per family" regarding the number of dogs allowed per household. Council had postponed action on this item at its February 8, 2011 meeting. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Olson "to consider the substitute ordinance which had been distributed to Council Members". Said motion to substitute failed on the following vote: Aye: Council Members Kemp, Olson and Wachs. Nay: Council Members Balow, Duax, Kincaid, Pavelski, Von Haden and Werthmann. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to amend Paragraph B of said ordinance by deleting the words 'three dogs' and inserting the words 'two dogs'." Said motion failed on the following vote: Aye: Council Members Olson, Von Haden and Wachs. Nay: Council Members Balow, Duax, Kemp, Kincaid, Pavelski, and Werthmann. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski "to amend said ordinance as follows:

1. In the first paragraph, put "Section 1:" before "*That s. 6.08.020...*"
2. Renumber "B" as "C" and amend to read as follows:

"C. Number of animals. Except for a bona fide animal hospital, pet shop, kennel or grooming parlor, no person occupying a city lot or lots, land parcel or unit in a multiple family dwelling shall keep, harbor, or shelter more than three dogs and three cats over the age of five months."

3. Recreate "B" to read as follows:

"B. Definitions.

1. "Person" in this section means an individual, firm, corporation or individuals living together in a household unit.

4. Create a new section to read:

"Section 2: This ordinance shall expire on December 31, 2013, unless extended."

Said motion to amend failed by the following vote: Aye: Council Members Duax and Pavelski.

Nay: Council Members Balow, Kemp, Kincaid, Olson, Von Haden, Wachs and Werthmann.

The Council then voted on the original ordinance. Said ordinance did not receive the six affirmative votes necessary for adoption, and thus failed on the following vote: Aye: Council Members Balow, Kemp, Kincaid, Pavelski and Werthmann. Nay: Council Members Duax, Olson, Von Haden and Wachs.

PARKING

The Council had first reading on an ordinance to amend Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding those sections of Rudolph Road, both sides, from Clairemont Avenue to Brackett Avenue.

The Council had first reading on an ordinance to amend Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding those sections of Cameron Street, both sides, from Nicholas Drive to Eleventh Street. Because of City Council's earlier action regarding the alternative selected for the re-construction of Cameron Street, staff requested that said ordinance be withdrawn. Said action was approved by unanimous consent.

ADJOURNMENT

A motion was offered by Council Member Von Haden and seconded by Council Member Wachs "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: March 8, 2011

Time: 6:27 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk